

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	)	
	)	
Richard N. Cameron et al.	)	Examiner: Oger Garcia Ade
	)	
Application No. 09/840,477	)	Art Unit: 3687
	)	
Filed: April 23, 2001	)	Attorney Docket: 005222.00319
	)	
For: METHOD AND SYSTEM FOR A	)	
WIRELESS UNIVERSAL MOBILE	)	
PRODUCT INTERFACE	)	

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**  
**and**  
**REQUEST FOR ONE-MONTH EXTENSION OF TIME**

U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicants respectfully request review of the December 8, 2009, final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated in the below remarks.

A one-month extension is also requested, resulting in an April 8, 2010, due date for filing the present paper. Any additional required extensions are also hereby requested, and please charge all fees required at this time to Deposit Account No. 19-0733.

***Remarks***

Having received and reviewed the final Office Action dated December 8, 2009, Applicants respectfully submit that the standing rejections are based on one or more clear errors, and that the

appeal process can be avoided through a pre-appeal brief review as set forth in the Official Gazette notice of July 12, 2005.

The pending rejections fail to address all the claim limitations, and exhibit clear factual and legal errors with respect to the cited references. Several of these errors are highlighted in the section below, and which were presented in the After-Final Request for Reconsideration filed February 15, 2010, a response to which has not yet been received.

#### **I. The Rejection of Claims 75 and 76 Omits Discussion of Claim Features**

The rejection of claims 72-76 omits discussion of certain claim features. Specifically, claims 75 and 76 recite display of “a listing of physical products available for dispensation by the vendor device when the mobile device enters the transmission range.” The rejection of these claims makes no mention of which reference, if any, allegedly shows such a display. Instead, the rejection refers to the rejection of other claims (7-9), but those other claims do not recite this feature.

#### **II. The Cited References Fail to Show the Claimed Features**

Applicants identify two factual errors herein. First, claim 7 recites when its program is sent. Specifically, claim 7 recites that the transmission occurs “automatically when the wireless mobile device enters a transmission range of the wireless transmission channel port.” The Action cites Shore, Fig. 6 and para. 75, 83 and 102-116. Those portions generally discuss Shore’s PDA purchasing a concert ticket, but they do not mention any such timing of transmission, and Applicants submit that such timing is not shown in Shore.

Second, claim 7 recites what kind of program is being sent. Specifically, claim 7 recites that the program is “to take control of a wireless mobile device's menuing, interaction and

display functions to extend the vendor device's display interface to said mobile device." The Action cites Shore for the vendor device interface, but admits that Shore fails to show extending this interface as recited. To address this, the Action cites three references (Ali, Philips and Business), but none of these properly shows extending a vendor device's display interface to a mobile device in the manner recited. Instead, it appears that the Action merely cites these references for the general proposition that mobile devices can communicate wirelessly with one another. As far as Applicants can see, none of the three additional references actually discloses taking control of a wireless mobile device's menuing, interaction and display functions to extend the vendor device display interface to said mobile device, as recited.

### **III. The Action Was Not Properly Final**

The Action was not properly final. Claims 69-74 were pending in the prior non-final Office Action of June 22, 2009, but they were never discussed or addressed until the final Action. The final Action rejects these claims for the first time, and that rejection cannot be final.

### **CONCLUSION**

The above issues are examples, and are not exhaustive of all issues that would be raised should this appeal proceed to the Appeal Brief stage. Should it become necessary, Applicants reserve the right to supplement and/or modify the issues at that time.

Respectfully submitted,

Date: April 8, 2010

/Steve Chang/  
Steve S. Chang  
Reg. No. 42,402  
BANNER & WITCOFF, LTD.  
1100 13<sup>th</sup> St. N.W.  
Washington, D.C. 20005

202 824-3000